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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,521	09/26/2003	Carlos F. Pippa	64394/2	6477
27871	7590	03/08/2005	EXAMINER	
BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 2800 TORONTO, ON M5L 1A9 CANADA			CRANSON JR, JAMES W	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CI

Office Action Summary	Application No. 10/670,521	Applicant(s) PIPPA ET AL.	
	Examiner James W. Cranson	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,153,034 TO Telchuk et al. A lighting apparatus for a paint spray booth is disclosed by Telchuk.

Regarding claim 1, A lighting apparatus for a spray booth (figure 1), the spray booth having walls (53) and a ceiling (53) extending therebetween, wherein said lighting apparatus includes at least a first lighting assembly (51) and a second lighting assembly; said first and second lighting assemblies being located adjacent said ceiling and spaced inwardly of said walls (figure 1); and said lighting assemblies being convergently oriented (figure 1).

Regarding claim 2, according to claim 1, wherein at least said first lighting assembly is obliquely angled relative to the ceiling (figure 1).

Regarding claim 7, according to claim 1, wherein the spray booth has a floor spaced from and located below the ceiling, and light emitted from said lighting assemblies converges at a height between said floor and said ceiling (figure 1).

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 10 is rejected under 35 U.S.C. 102(a) as being anticipated by USPN 6,502,629 to Valachovic. A spray paint booth with side light assemblies is disclosed by Valachovic.

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Regarding claim 10, according to claim 1, wherein a side light assembly (26) is included.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3- 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,153,034 to Telchuk et al.

Regarding claim 3, according to claim 2, wherein the said first lighting assembly has a normal vector, and said normal vector is oriented at an angle of between 5 and 60 degrees from vertical.

Telchuk discloses the claimed invention except for “wherein the said first lighting assembly has a normal vector, and said normal vector is oriented at an angle of between 5 and 60 degrees from vertical”. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Telchuk with a first lighting assembly having a normal vector, and the normal vector being oriented at an angle of between 5 and 60 since it has been held that discovering an optimum or workable range involves only routine skill in the art. *In re Aller, 105 USPO 233*

Regarding claim 4, according to claim 2, wherein the oblique angle is about 10-15 degrees from the vertical. Telchuk discloses the claimed invention except for “wherein the oblique angle is about 10-15 degrees from the vertical”. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to provide Telchuk with an oblique angle of 10-15 degrees for first lighting assembly relative to the ceiling since it has been held that discovering an optimum or workable range involves only routine skill in the art. *In re Aller, 105 USPQ 233*

Regarding claims 5, according to claim 1, and claim 6, according to claim 5, wherein the first and second lighting assemblies are spaced inwardly from the walls at a distance of between about 2 feet and about 8 feet or the distance is between 3-1/2 and 4-1/2 feet. Telchuk discloses the claimed invention except for “wherein the said first lighting and second lighting assemblies are spaced inwardly from the walls at a distance of between about 2 feet and about 8 feet or between 3-1/2 and 4-1/2 feet. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Telchuk with a first lighting and second lighting assemblies that are spaced inwardly from the walls at a distance of between about 2 feet and about 8 feet or since it has been held that discovering an optimum or workable range involves only routine skill in the art. *In re Aller, 105 USPQ 233*

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,153,034 to Techuk in view of USPN 2,873,358 to Dunker. Techuk does not disclose the type of light fixture that are used in his paint spray booth. Dunker discloses a vapor-tight fluorescent lamp fixture for use in a paint spray booth that includes reflecting means.

Regarding claim 8, according to claim 1, wherein first lighting assembly is one of fluorescent, halogen or incandescent lighting. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Telchuk with a fluorescent light fixture as taught

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by Dunker because the use of fluorescent light fixtures for the purpose of indoor lighting is well known in the illumination art.

Regarding claim 9, according to claim 1, wherein a light assemble includes a reflector. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Telchuk with a reflector as taught by Dunker because the use of reflectors with light fixtures for the purpose of indoor lighting is well known in the illumination art.

Allowable Subject Matter

Claims 11-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 11, according to claim 1, adds “wherein said walls include a first wall running more closely adjacent to said first lighting system than any other wall, and an opposed second wall running more closely adjacent to said second lighting assembly than any other wall, and said ventilation system includes venting mounted between said first lighting assembly and said first wall.” This combination of limitations is not taught or disclosed in the prior art.

Claims 11-16 depend from claim 11 and would be allowable for the same reasons.

Claim 17, according to claim 1, adds “inlet venting mounted between said second lighting assembly and said second wall, and between said first lighting assembly and said second lighting assembly, and exhaust venting mounted distant from said ceiling.” This combination of limitations is not taught or disclosed in the prior art.

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Claim 18, according to claim 1, adds “ventilation system being operable to urge overspray away from said lighting system”. This combination of limitations is not taught or disclosed in the prior art.

Claim 19, according to claim 1, adds a straddling arrangement relative to said lighting apparatus, outlet vents mounted distant from said ceiling, and ventilating gas. This combination of limitations is not taught or disclosed in the prior art.

Claims 20- 23 depend from claim 18 and would be allowable for the same reasons.

Regarding claim 24, according to claim 1, “wherein when viewed in across-section across the spray booth, said first lighting apparatus emits light at a maximum intensity along a first vector, said second lighting apparatus emits light at a maximum intensity along a second vector, and said first and second vectors intersect.” This combination of limitations is not taught or disclosed in the prior art.

Claim 25 depends from claim 24 and would be allowable for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are USPN 4,223,599 to Napadow and USPN 4,222,319, to Donahue.

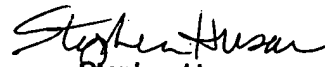
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).





Stephen Husar
Primary Examiner